

CYBER CIVILIAN CORPS ACT (EXCERPT)
Act 132 of 2017

18.227 Immunity from tort liability; conditions; compromise, settlement, or payment of claim by department; reimbursement for legal expenses; "gross negligence" defined.

Sec. 7.

(1) Except as otherwise provided in this section, the department and this state are immune from tort liability for acts or omissions by a Michigan cyber civilian corps volunteer or advisor under this act.

(2) Except as otherwise provided in this section, and without regard to discretionary or ministerial nature of the conduct of a Michigan cyber civilian corps volunteer or advisor, each Michigan cyber civilian corps volunteer or advisor is immune from tort liability for an injury to a person or damage to property that occurred while deployed and acting on behalf of the department if all of the following are met:

(a) The Michigan cyber civilian corps volunteer or advisor is acting or reasonably believes that he or she is acting within the scope of his or her authority.

(b) The Michigan cyber civilian corps volunteer's or advisor's conduct does not amount to gross negligence that is the proximate cause of the injury or damage.

(c) The Michigan cyber civilian corps volunteer's or advisor's conduct is not a material breach of the volunteer agreement during that deployment.

(3) If a claim is made or a civil action is commenced against a Michigan cyber civilian corps volunteer or advisor for injuries to persons or property caused by negligence of a Michigan cyber civilian corps volunteer or advisor that occurred while in the course of his or her deployment on behalf of the department and while acting within the scope of his or her authority, the department may pay for, engage, or furnish the services of an attorney to advise the Michigan cyber civilian corps volunteer or advisor as to the claim and to appear for and represent the Michigan cyber civilian corps volunteer or advisor in the action. The department may compromise, settle, and pay the claim before or after the commencement of a civil action. Whenever a judgment for damages is awarded against a Michigan cyber civilian corps volunteer or advisor as a result of a civil action for personal injuries or property damage caused by the Michigan cyber civilian corps volunteer or advisor while in the course of his or her deployment and while acting within the scope of his or her authority, the department may indemnify the Michigan cyber civilian corps volunteer or advisor or pay, settle, or compromise the judgment.

(4) If a criminal action is commenced against a Michigan cyber civilian corps volunteer or advisor based upon the conduct of the Michigan cyber civilian corps volunteer or advisor in the course of his or her deployment, if the Michigan cyber civilian corps volunteer or advisor had a reasonable basis for believing that he or she was acting within the scope of his or her authority at the time of the alleged conduct, the department may pay for, engage, or furnish the services of an attorney to advise the Michigan cyber civilian corps volunteer or advisor as to the action, and to appear for and represent the Michigan cyber civilian corps volunteer or advisor in the action. A Michigan cyber civilian corps volunteer or advisor who has incurred legal expenses for conduct prescribed in this subsection may obtain reimbursement for those expenses under this subsection.

(5) This section does not impose liability on this state or the department.

(6) As used in this section, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

History: 2017, Act 132, Eff. Jan. 24, 2018 ;-- Am. 2020, Act 288, Eff. Mar. 24, 2021